



US Army Corps  
of Engineers  
Memphis District

# Public Notice

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REPLY TO ATTN: Tom Skelton  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-3468  
Fax (901) 544-3266  
EMail: James.T.Skelton@usace.army.mil

PUBLIC NOTICE NO:  
MVM-2006-326(ts)

PUBLIC NOTICE DATE:  
July 5, 2006

EXPIRATION DATE:  
August 4, 2006

POSTMASTER PLEASE POST UNTIL:

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## Public Notice Corps of Engineers

**AUTHORITY:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899..

**APPLICANT:** Donald C. McCrory  
Memphis & Shelby County Port Commission  
1115 Riverside Boulevard  
Memphis, Tennessee 38106-2504  
(901) 948-4422

**LOCATION:** The project is located along the left descending bank at approximate Mississippi River Mile 724.5, within the Pidgeon Industrial Harbor in Memphis, Shelby County, Tennessee at approximate latitude 35.0586 and longitude -90.1716 on the Fletcher Lake 7.5 minute quadrangle map.

**PURPOSE:** The purpose of the project is to conduct maintenance dredging within the Pidgeon Industrial Harbor.

**DESCRIPTION OF WORK:** The applicant proposes to conduct maintenance dredging as needed within the Pidgeon Industrial Harbor. The initial dredging would remove approximately 250,000 cubic yards of material, subsequent dredging would remove approximately 50,000 cubic yards of material (sand and other sediment). Methods employed to remove the material could be a combination of hydraulic dredging, clamshell dredging, or dragline removal with placement of the material either into the Mississippi River, downstream from the mouth of the harbor, or discharge to an upland site by means of mechanical hauling or discharge pipeline. The applicant is seeking authorization to conduct the dredging activities for a period of 5 years.

**WATER QUALITY CERTIFICATION:** The applicant should contact the Tennessee Department of Environment and Conservation, Division of Water Pollution Control (TDEC) at (615) 532-0713 or TDEC, 7th Floor L. & C. Annex Building, 401 Church Street, Nashville, Tennessee 37243-1534 and request water quality certification. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to issuance of a Corps of Engineers permit. The Department will consider all relative comments in the decision to grant or deny water quality certification for the proposed activity. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

**ENDANGERED SPECIES:** No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

**CULTURAL RESOURCES:** The Memphis District will evaluate information provided by the State Historic Preservation Office, Federally-recognized Tribes, and the public in response to this public notice and we may conduct, or require a survey of the project area. A preliminary in-house records search indicated no sites have been recorded within the project area. However, the lack of recorded sites may be due to lack of cultural surveys around the project area.

**FLOOD PLAIN:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

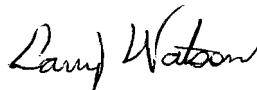
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Federally-recognized Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

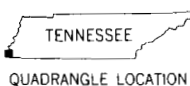
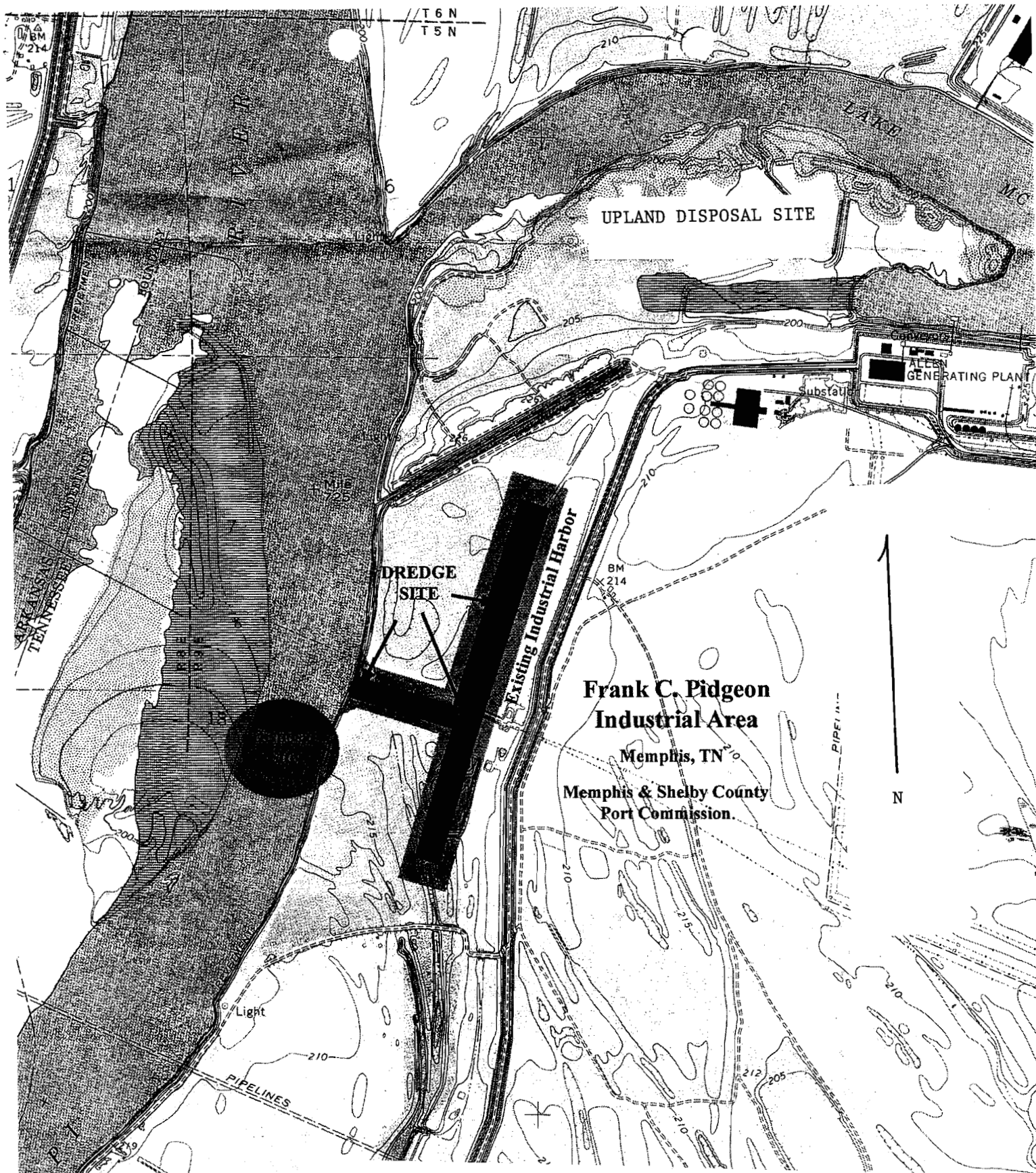
**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** If you wish to obtain additional information or to submit comments on the application, please contact Tom Skelton at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-3468. Copies of all comments, including the names and address of commenters, may be provided to the applicant for consideration and response prior to a decision by the Corps.

Comments should be received by August 4, 2006.



Larry D. Watson  
Chief  
Regulatory Branch

Attachments



# FLETCHER LAKE, TENN.—ARK.

SW/4 MEMPHIS 15' QUADRANGLE  
N3500—W9007.5/7.5

1966  
PHOTOREVISED 1973  
AMS 2954 II SW—SERIES V841